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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of:)	
)	
PETITION TO AMEND RULES 1)	Supreme Court No. R-18-_____
and 31, RULES OF PROCEDURE)	(expedited consideration requested)
FOR THE JUVENILE COURT)	
_____)	

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend Rules 1 and 31 of the Arizona Rules of Procedure for the Juvenile Court as proposed in Appendix A. The amendment modifies the rules to mirror changes adopted by Laws 2018, Chap. 301, HB 2356.

I. Background and Purpose of the Proposed Amended Rules.

In pertinent part, HB 2356 provides that, on notice by the State to retain jurisdiction, a juvenile court must retain jurisdiction over a person who is at least seventeen (17) years old and who has been adjudicated delinquent, until the person turns nineteen (19), unless the court terminates its jurisdiction earlier or the person is discharged by the Department of Juvenile Corrections earlier, HB 2356 § 1,

amending A.R.S. § 8-202(H). For juveniles with retained or extended jurisdiction, continued supervision and treatment services are continued until the person turns nineteen (19), or until otherwise terminated by the court, HB 2356 § 6, amending A.R.S. § 8-305(V). This section of HB 2356 also permits a court to terminate continued probation supervision or treatment services before the nineteenth (19th) birthday if the court determines that:

- a) continued probation supervision or treatment is not required;
- b) continued probation supervision or treatment is not in the best interests of the juvenile or the state; or
- c) the juvenile commits a criminal offense after turning eighteen (18).

II. Preliminary Comments.

This petition has not been sent to the court community for pre-filing comments because of its technical nature and due to the short period of time since the bill's enactment.

III. Request for Emergency Adoption.

The 2018 legislative session regular effective date of August 3, 2018 applies to the language changes made by HB 2356. Petitioner therefore requests expedited

adoption of the proposed amended rule with a formal comment period to follow, as permitted by Supreme Court Rule 28(G).

RESPECTFULLY SUBMITTED this 18th day of May, 2018.

By /s/
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APPENDIX A

Rules of Procedure for the Juvenile Court

Rule 1. Applicability; Definitions; Required Format of Stipulations, Motions and Orders

A. [No changes]

B. Reference made to a child, youth, minor or juvenile means a person under the age of eighteen (18) years. For the purposes of this rule, “juvenile” also includes a person who is under the age of nineteen (19) years, if the juvenile court has retained jurisdiction over the person pursuant to A.R.S. § 8-202(H).

C. through D. [No Changes]

Rule 31. Probation

A. through C. [No Changes]

D. Termination of Probation. The court may terminate the probation of the juvenile at any time prior to the eighteenth (18) birthday of the juvenile, or for cases filed pursuant to A.R.S. § 8-202(H), the nineteenth (19) birthday of the juvenile, upon the request of the juvenile probation officer, motion of the juvenile, or its own motion after notice and opportunity for response from all parties. On request of the victim, the court shall notify the victim of any proceeding in which the court is asked to terminate the juvenile’s probation and shall afford the victim an opportunity to be heard, as provided by law.